

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
AUGUST 5, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Phil Sutherland, Commissioner Ellen Townson and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

3 Pendant Court

Present in Interest: John Iuliucci and Tim Williams

Staff Recommendation: Approve as Neg. 3 and Neg.6

Public Hearing on a Request for Determination of Applicability filed by John Iuliucci under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a replacement septic system at **3 Pendant Court**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA only for standard septic replacement. The site is located in the Haggetts Pond Watershed Protection Overlay District and meets the Board of Health setbacks. BVW is noted as an “isolated wetland”; however there are no flagging or definite boundaries. Staff will not be ruling on the “isolated wetland”.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve as Neg. 3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

1 Meadowbrook Drive

Present in Interest: Galen Doscmer and Brian Lessard

Staff Recommendation: Approve as Neg 3.

Public Meeting on a Request for Determination of Applicability filed by Kristen Girrell and Sarah Blumenstock under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of an existing addition and construction of a garage and addition at **1 Meadowview Drive**.

Agent Cleary presented this to the Commission. The project is subject to the WPA only as the house predates both the By-Law and the Act. The wetland is historically disturbed from development over 50 years ago. The Town wetland maps are inaccurate due to this fact. The Applicant is agreeable to install non-disturb bounds at the edge of lawn where the closest point is 20 feet. The new garage will be on a slab with the addition above, in the exact location of the structure to be removed. No changes to grading or contours. There will be minimal expansion of the driveway on an existing lawn area. No work will be permitted further than currently exists and the Applicant will work with staff on erosion control placement.

The Applicant is requesting waivers for a professional engineered plan as well as other plan requirements.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve the Waivers; it was seconded by Commissioner Greenwood and unanimously approved. Commissioner Driscoll made a Motion to Approve as Neg.3; it was seconded by Commissioner Greenwood and unanimously approved.

Route 495-MassDOT

Present in Interest: Renata Welch

Staff Recommendation: Approve as Neg.3.

Public Hearing on a Request for Determination of Applicability filed by Mass DOT under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of new signage, mounts, guardrails and flashing warning beacons on **Route 495**.

Mr. Douglas presented this to the Commission. The project is a standard application which consists of the standard installation of highway signage. These are all safety related upgrades. Renata Welch informed the Commission that the typical supports are being installed with the exiting footings being removed and new footings installed. Erosion control will be in place and there will be minimal impact from the project.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve as Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

96 North Street

Present in Interest: Brian Cronin

Staff Recommendation: Approve as Neg.3.

Public Hearing on a Request for Determination of Applicability filed by Brian Cronin under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a garage and addition at **96 North Street**.

Mr. Douglas presented this to the Commission. The project is 90 feet from the wetland. Upon a site visit, rubble and fill were noted at the wetland line. The Applicant has agreed to remove the fill and rubble as a condition of this project.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3 with the removal of the fill and rubble; it was seconded by Commissioner Greenwood and unanimously approved.

Merrimack College

0 Elm Street

Present in Interest: Felipe Schwarz, Bert Ouellette, Joann Reck, Melissa Rivers, Jennifer Ross, Melissa Marquis, Dick O'Brien, William Page, Chris Lovett, Helen Waller, Jeff Raymond, Craig Gibson, K. Spinella, Jim Chiarelli, Scott Wakefield, Jon Aronson, Diane Black and Paulette Grundeen

Staff Recommendation: Continue.

Public Hearing on a Request for an Amended Order of Conditions filed by **Merrimack College** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-Law, Article XIV, at **Merrimack College**. The proposed change includes the construction of the "North Campus Development".

Mr. Douglas presented this to the Commission. The jurisdiction of the Conservation Commission is strictly limited to the drainage as the project is 500 feet from the wetland and outside our jurisdiction.

Chris Lovett presented the project to the Commission. The amendment request is for the update of stormwater management system and to update the banking system. There will be a total increase of 5.4cfs, leaving a credit of 38.9 cfs in the banking system. The project is 4.5 acres with an additional 2.2 acres to be captured from Rock Ridge Road and redirected to the Elm Street detention basin. There will be additional catch basins installed along Flaherty Drive which will have sedimentation removal and oil trapping as well as a catch basin in the common area to catch additional runoff. The runoff from the site will be treated per DEP requirements. Any sheeting will be captured and sent out of the Rock Ridge Road system to allow relief to the residents. All of the buildings will have gutters to recharge the water. There is a 7.5 cfs decrease for a 100 year storm. Janet Bernardo is conducting the peer review of the project and the calculations. Roadway treatment will include catch basins with a deep sump and hood in 3 or 4 places.

Chairman Cooper reminded the Commission that the Master Stormwater Plan approved anticipated the growth and development of the College. The College made substantial improvements to the stormwater drainage system as it was then and created the stormwater bank

that now exists. The College went above and beyond what was required for stormwater improvements to the area. The improvements have already been made and the neighborhood has benefitted from these improvements for a number of years. Now Merrimack College wants to withdraw from the stormwater bank. The proposed buildings are over 100 feet from a jurisdictional area. Our only jurisdiction is the stormwater just as it reaches a jurisdictional area.

William Page, 54 Brookfield Road, is concerned that the 48" pipe has a lot of water going into it and then into the Elm Street detention basin. The field is now wet and deep puddles form after it rains. The existing drainage is not working. He will email his concern to Bob.

Joanna Reck, 15 Rockridge Road, is concerned that the storm system is not enough to make improvements and with the loss of mature trees and green space. She asked that the Commission review the Master Stormwater Management Plan as things are getting worse.

Kristen Spinella, 23 Rockridge Road, stated that she just had to install a 2nd sump pump since the first one runs all day. Her water has gotten worse since the 2012 dorms.

Bert Ouellette, 30 Fox Hill Road, expressed his concern with the increase in proposed grading. The grading will add 2-3 feet and this will cause water to sheet off the property.

Jennifer Ross, 66 Brookfield Road, since 2012 and this past winter, water has appeared in her basement in a different place than prior to the construction.

Chairman Cooper asked that Janet Bernardo include in her peer review a review of the Stormwater Management Plan and that all abutter concerns be forwarded to her.

Chairman Cooper asked for a Motion. Commissioner Sutherland made a Motion to continue to September 16, 2014 for peer review; it was seconded by Commissioner Driscoll and unanimously approved.

25 New England Business Center Drive

Present in Interest: Alan Clapp, Alec MacLeod, Brandon Doann and Mark McClusky

Staff Recommendation: Close Public Hearing

Continued Public Hearing on a Notice of Intent filed by **Alan Clapp, Nexamp, Inc.** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed installation of a solar electricity generation facility at **25 New England Business Center Drive.**

Mr. Douglas presented this to the Commission. The project sits in an approved parking lot, approved under an open Order of Conditions, which include following existing stormwater requirements. Janet Bernardo is conducting the stormwater review.

Mark McClusky presented the project revisions to the Commission. There will be perimeter fencing installed and the proposed mitigation includes trail improvements, gates, removal of invasives and additional plantings.

Alec MacLeod discussed the mitigation proposed. Trail improvements include cutting back of overgrown trees and branches, the walkway will be cleared, grass cut and wood chips put down. Herbicide will be used to treat the invasive plants by cutting and applying a 25% solution directly to the stems.

Mr. DeCelle asked if there would be vehicle access for bridge repairs and to mow the brush along the trail. Mr. Douglas was asked to include an additional Special Condition to address reasonable access for bridge repairs, etc.

Andy Menezes asked if trail access would be blocked during construction. A safety fence will be installed during construction to keep people off the construction site.

Commissioner Driscoll is in favor of the project, but would like the parking lot taken out and gravel or wood chips put down. The existing Order of Conditions allows for the parking area. Commissioner Driscoll made a Motion to remove the parking lot; it failed for lack of a second motion.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Close the Public Hearing and continue to August 19 for the Order of Conditions to be revised; it was seconded by Commissioner Sutherland and approved with 1 opposed.

307R Lowell Street

Present in Interest: Ronald Tiberi and G. Lilienther

Staff Recommendation: Continue.

Continued Public Hearing on a Notice of Intent filed by **Lowell Street Investments, LLC** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed regrading and paving of 2000 square feet for compensatory parking at **307R Lowell Street**.

Mr. Douglas presented this to the Commission. The Applicant is asking to reclaim existing parking spaces lots by a neighboring project. They would like to reclaim the parking spots near the tennis courts. Drainage conditions have changed and infiltration and a drainage system are needed. The project is 75 feet from the wetland with a raised berm surrounding the wetland area. Sedimentation control and a silt fence will be used. The jurisdictional area is a drainage ditch. Janet Bernardo is conducting the stormwater peer review.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to September 2, 2014 for the peer review; it was seconded by Commissioner Sutherland and unanimously approved.

276 North Main Street

Present in Interest: Tom Childs and Maureen Hanley

Staff Recommendation: Schedule Site Visit and Continue.

Public Hearing on a Notice of Intent filed by **Thomas Childs** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed rebuilding of the Arden Casino, septic system, grading and associated site utilities at **276 North Main Street**.

Mr. Douglas presented this to the Commission. This building burned in February, 2014 and the Applicant is requesting to build an exact replica in the same footprint. While the project is closer

than what would normally be permitted this is a historical reconstruction to be built in the exact place on the same footprint.

Maureen Hanley provided the Commission with photographs of the Arden Casino prior to the fire. Maureen also stated that this may be exempt from the By-law because the building was in existence prior to 1999, even though it burned to the ground in February, 2014.

Tom Childs presented the project to the Commission. A new foundation will be required to meet the new building codes. There will be no basement, only a crawl space. A septic permit has been applied for.

Chairman Cooper asked if there were any restrictions to replacing a burned structure. The building code entitles the owner to rebuild in the same footprint within 2 years.

Joanna Reck informed the Commission that the Preservation Commission supports this project due to the historic significance of the building.

Commissioner Driscoll asked if the structure could be moved back. The Applicant is limited by the footprint and the concrete patio will be preserved. The structure is 7 feet above the level of the pond.

A site visit was scheduled for 2:00pm on August 8, 2014.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to August 19, 2014; it was seconded by Commissioner Driscoll.

CONSENT AGENDA:

Minutes

Approval of minutes from July 15, 2014.

2 Westminster Roadway

Issuance of a Certificate of Compliance.

Commissioner Greenwood made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

1350 South Street

Issuance of a Certificate of Compliance.

Commissioner Greenwood made a Motion to Approve; it was seconded by Commissioner Driscoll.

6 Prospect Street

Issuance of a Certificate of Compliance.

After cessation of inspection reports, a brick patio was installed, a post and rail fence installed, sodding and landscaping was done without notification. Site Monitor suggests approving without ruling on the patio or asking the Applicant to come in for an insignificant change.

Commissioner Driscoll made a Motion to deny the Certificate of Compliance and request the Applicant file for an Insignificant Change; it was seconded by Commissioner Greenwood and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

12 Coventry Lane

Update on Enforcement Order relative to non-compliance with Order of Conditions. Ann Marton, the site monitor is working with the homeowner to bring them into compliance. It is expected a Request for an Amended Order of Conditions will be received for the September 2, 2014 Agenda.

83 Porter Road

There has been work done beyond the boundaries on this property. Mr. Douglas asked if a Commissioner was available to conduct a site visit with him.

Tennessee Gas Pipeline

Chairman Cooper recused himself and left the meeting.

Commissioner Driscoll and Commissioner Townson updated the Commission. The Selectmen asked the Commission to provide recommendations regarding the alternate routes; any endangered species within the current placement; and any Indian tribal burial grounds. This information will be used in a letter drafted and sent August 15, 2014. Discussion followed regarding the various alternative routes with the pros and cons.

AVIS has provided a letter to the Selectmen. Gail Ralston is assisting with the Native American burial ground information. Commissioner Driscoll informed the Commission that an Expert has come forward to assist with the endangered species.

Commissioner Driscoll made a Motion to pay the Expert \$500; it was seconded by Commissioner Greenwood and unanimously approved.

The next meeting will be held August 19, 2014 at 7:45pm.

The meeting was adjourned at 10:15 pm by Motion of Commissioner Driscoll and seconded by Commissioner Greenwood and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**